

ILLINOIS POLLUTION CONTROL BOARD  
March 11, 1976

ENVIRONMENTAL PROTECTION AGENCY,            )  
  )  
  Complainant,            )  
  )  
  v.                            )       PCB 75-493  
  )  
BEASON-CHESTNUT PUBLIC WATER                )  
SUPPLY DISTRICT,                                )  
  )  
  Respondent.                )

Mr. John Van Vranken, Assistant Attorney General, Attorney  
for Complainant  
Mr. Thomas M. Harris, Attorney for Respondent

OPINION AND ORDER OF THE BOARD (by Mr. Young):

This case arises out of a Complaint filed by the Environmental Protection Agency (Agency) on December 19, 1975, alleging various violations by the Beason-Chestnut Public Water Supply District (Beason-Chestnut), an Illinois municipal corporation, in the operation of its public water supply. The Complaint was amended instanter at the hearing on motion of the Agency with no objection by the Respondent. Hearing was held on February 13, 1976 in Chestnut, Illinois at which time a Stipulation of Parties and Proposed Settlement was filed with the Board. Wilbur G. Colburn, Chairman of Beason-Chestnut, testified that the District had 175 users and that the number of users had remained constant since organized (R. p5).

Beason-Chestnut owns and operates a public water supply serving approximately 175 users in the Villages of Beason and Chestnut in Logan County, Illinois. The system includes one drilled well, two pressure storage tanks, and a distribution system. Water from the well is treated with chlorine, potassium permanganate and fluoride; softened; filtered; and discharged to the distribution system.

The Complaint alleged that Beason-Chestnut operated its public water supply, from September 12, 1973 until the date of filing of the Complaint, without having in its employ a properly certified water supply operator in violation of Section 1(b) of the Operation of a Public Water Supply Act (Ill. Rev. Stat. 1973, Ch. 111 1/2 par. 501-523) (Certification Statute).

Section 1(b) requires:

"Each public water supply which includes filtration, aeration and filtration, or ion exchange equipment as a part of its primary treatment shall have in its employ at least one natural person certified as competent as a Class B or Class A water supply operator."

Beason-Chestnut admits that it has operated its public water supply from September 12, 1973 to December 19, 1975, without having in its employ a Class B or Class A operator as required by the Certification Statute (Stip. p3).

The Complaint further alleged that Beason-Chestnut operated its public water supply without a properly certified operator from December 21, 1974 to December 19, 1975, in violation of Rule 302 of the Board's Public Water Supply Regulations (Chapter 6) and Section 18 of the Act. Rule 302 provides that all provisions of the Certification Statute shall be met. A violation of Section 18 of the Act is established by proof of violation of Rule 302 (EPA v. Pow Wow Club, Inc., 13 PCB 113 (1974) at 117).

Beason-Chestnut admits that it has operated its public water supply during the period in question without a properly certified operator (Stip. p3).

The parties agree that Beason-Chestnut pay \$250.00 as penalty for the violations and Respondent agrees to employ a properly certified water supply operator within 35 days of the entry of the Board Order in this matter.

The Stipulation of Parties and Proposed Settlement submitted by the parties is found to be adequate under Rule 333 of our Procedural Rules (EPA v. City of Marion, 1 PCB 591).

On the basis of the foregoing, the Stipulation and the hearing transcript, which constitute the entire record in this case, we find that Beason-Chestnut violated Section 1(b) of the Certification Statute from September 12, 1973 to December 19, 1975 and violated Rule 302 of Chapter 6 and Section 18 of the Act from December 21, 1974 to December 19, 1975.

Section 23 of the Certification Statute requires the imposition of a penalty of not less than \$100.00 nor more than \$1,000.00 for each violation of Section 1(b) of the Certification Statute found by the Board. In this case we assess a penalty of \$250.00 for the violations found.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. Respondent, Beason-Chestnut Public Water Supply District, is found to have operated its public water supply in violation of Section 1(b) of paragraph 501 of the Operation of a Public Water Supply Act, Rule 302 of the Public Water Supply Regulations of the Board, and Section 18 of the Environmental Protection Act and shall pay a penalty of \$250.00 for such violations. Penalty payment by certified check or money order payable to the State of Illinois shall be made within 35 days of the date of this Order to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

2. Respondent, Beason-Chestnut Public Water Supply District, shall employ, within 35 days of the date of this Order, a water supply operator holding a current Class A or Class B certificate of competence issued by the Illinois Environmental Protection Agency, Division of Public Water Supply.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11<sup>th</sup> day of March, 1976 by a vote of 4-0.

  
\_\_\_\_\_  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board